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General Motors Corporation
Mail Code 482-C23-B21
300 Renaissance Center
P.O. Box 300
Detroit, MI 48265-3000

EXAMINER

PEACHES, RANDY

ART UNIT	PAPER NUMBER
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2617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/997,761	Applicant(s) CHRUMKA, EDWARD P.	
	Examiner RANDY PEACHES	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 34-46 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Election/Restrictions***

Newly submitted ***claims 34-46*** are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The comparisons of claims are detailed as follows:

<i>Original Independent Claims</i>	<i>Newly Cited Independent Claims</i>	<i>Explanation of differences</i>
1.) A method for directing service in a vehicle, comprising: receiving, at a service management subsystem configured to manage services and user personalization information, a service request from the vehicle; receiving, at the service management subsystem, a vehicle location; determining, at the service management subsystem, vehicle delivery-enabling information based on the service request and the vehicle location; configuring, at the service management subsystem, the service corresponding to the service request based on the vehicle delivery-enabling information; and sending the configured service from the service management subsystem to the vehicle.	1.) A method for providing a plurality of services to a user of a vehicle telematics unit, the method comprising: defining a plurality of user profiles, wherein each profile is contained in one member of a set of unique objects and is associated with a service in the plurality of services; connecting the telematics unit to a service manager; receiving a user request for one of the plurality of services from the user at the telematics unit; transferring the request to the service manager; at the service manager, retrieving an object containing a profile associated with the user and with the requested service; including the retrieved object in a second service request to a service provider; receiving a response to	1.) The originally filed claims failed to mention a telematic unit. 2.) The originally filed claims fail to mention an "object" whereby the newly cited claim teaches of a "set of unique objects". 3.) The originally filed claims fail to mention a second service request. The Newly cited claim claims "a second service request to a service provider; receiving a response to the second service request from the service provider, the response being tailored to the user based upon the profile contained in the retrieved object."

	the second service request from the service provider, the response being tailored to the user based upon the profile contained in the retrieved object; and sending the response from the service manager to the telematics unit for communication to the user.	
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Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 34-46 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 1-6, 8-16, 18-25 and 27-33*** are rejected under 35 U.S.C. 102(e) as being anticipated by Chou et al. (U.S. Patent Number 6,330,499 B1).

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Regarding **claims 1, 12, 20**, Chou et al discloses a method, system and computer medium for directing service to a client computer device within a vehicle, which reads on claimed "vehicle", comprising:

- receiving, at a service center (200), which reads on claimed " service management subsystem," configured to manage services and user personalization information (203)(see column 5 lines 34-39), a service request from the vehicle. See column 6 lines 1-5 and lines 34-38;
- receiving, at the said service center (200), a vehicle location. See column 3 lines 54-61;
- determining, at the service management subsystem, vehicle delivery-enabling information based on the service request and the vehicle location. See column 3 lines 54-61;
- configuring, at the service management subsystem, the service corresponding to the service request based on the vehicle delivery-enabling information. See column 7 lines 27-40; and
- sending the configured service from the service management subsystem to the vehicle. See column 7 lines 41-60.

Regarding **claims 2, 13 and 21**, according to **claims 1, 12, 20**, Chou et al. continues to disclose receiving a signal including a vehicle identifier from a vehicle communication component. See column 5 lines 1-11.

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Regarding **claims 3 and 22**, according to **claims 2 and 21**, Chou et al. continues to disclose wherein the vehicle identifier is a unique code including user identifier information and vehicle location. See column 5 lines 1-11 and column 9 lines 35-39.

Regarding **claims 4, 14 and 23**, according to **claims 1, 12, 20**, Chou et al. continues to disclose wherein sending a list of delivery channels to a vehicle communication component, the delivery channels being selected from a live agent and a virtual agent. See column 7 lines 50-60.

Regarding **claims 5, 15 and 24**, according to **claims 4, 14, 23**, Chou et al. continues to disclose wherein selecting a channel from the list of delivery channels, in which the Examiner has interpreted as the means by which information is communicated to the user, i.e. voice, text, display, etc., to deliver the configured service corresponding to the service request. See column 7 lines 50-60.

Regarding **claim 6**, according to **claim 1**, Chou et al. continues to disclose wherein configuring a vehicle communication component in the vehicle based on the vehicle delivery-enabling information, wherein the vehicle user manual, which can be a vehicle communication channel is updated. See column 10 lines 1-11.

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Regarding **claims 8, 18 and 27**, according to **claims 1, 12, 20**, Chou et al. continues to disclose wherein creating a profile that includes the vehicle delivery-enabling information. The Examiner concludes that it is inherent that a profile is created by the user/system which is evidenced by the premises that a initialization of the said system, the user establishes a profile which is used to identify the user and the vehicle in tandem.

Regarding **claims 9 and 28**, according to **claims 1 and 20**, Chou et al. continues to disclose wherein determining the vehicle delivery- enabling information is based on at least one pre-determined user input, wherein the cited prior utilizes the specific vehicle parameter, which is based on user input, to detail which service are available for a particular user/vehicle. See column 6 lines 37-47.

Regarding **claims 10 and 29**, according to **claims 1 and 20**, Chou et al. continues to disclose wherein sending the service corresponding to the service request comprises sending electronic mail to a vehicle communication component.

Regarding **claims 11, 19 and 30**, according to **claims 1, 12, 20**, Chou et al. continues to disclose wherein updating the vehicle delivery-enabling information at the service management subsystem while the subsystem is in contact with a vehicle communication component. See column 10 lines 1-11.

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Regarding **claim 31**, according to **claim 1**, Chou et al. continues to disclose wherein each configured service sent to the vehicle is presented in a uniform manner regardless of a channel used for delivery or the configured service being sent. See column 9 lines 5-21 and lines 54-56.

Regarding **claim 32**, according to **claim 31**, Chou et al. continues to disclose wherein the service management subsystem is configured to present the configured service in the uniform manner. See column 9 lines 5-21 and lines 54-56

Regarding **claim 33**, according to **claim 1**, Chou et al. continues to disclose wherein standardizing, via the said service center, the configured service and a delivery channel based on personalization information from a client associated with the vehicle. See column 6 lines 37-47.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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1. **Claims 7, 17 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou et al. (U.S. Patent Number 6,330,499 B1 in view of Doi et al (U.S. Publication Number 2001/0014911)).

Regarding **claims 7, 17 and 26**, according to **claim 1, 12 and 20**, Chou et al fails to clearly disclose configuring a vehicle communication component in the vehicle based on the vehicle delivery-enabling information.

Doi et al teaches in paragraph [0013], of a mobile terminal comprising a dynamic user profile memory configured to store a dynamic user profile representing information dynamically changed by time.

Therefore at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Chou et al. (U.S. Patent Number 6,330,499 B1 to include Doi et al (U.S. Publication Number 2001/0014911) in order obtain a system, method and medium, that has the flexibility to allow different users to use the same said vehicle and afford the user the ability to change his/her preferences in the said system in order to receive the necessary information from the network.

Response to Arguments

Applicant's arguments with respect to **claims 1-46** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **RANDY PEACHES** whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Randy Peaches/
Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617